

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
NO. 5:17-cv-00124-GCM

KIMBERLY ANN DURKEE,)
Plaintiff,)
v.)
NANCY A. BERRYHILL,)
Acting Commissioner,)
Social Security Administration,)
Defendant.)

THIS MATTER is before the Court on Plaintiff's motion for Attorney Fees (Doc. No. 16) under 28 U.S.C. § 2412, the Equal Access to Justice Act. Defendant consents to this Motion. The Court has reviewed the Motion, supporting exhibits, and applicable law and finds that the Motion should be granted.

Accordingly, the Court hereby **GRANTS** the Motion (Doc. No. 16) and **ORDERS** as follows:

1. That the Social Security Administration shall pay \$5,295.65 in attorney fees to the plaintiff in full settlement and satisfaction of any and all claims for attorney fees for legal services rendered under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).
2. With respect to Plaintiff's signed assignment of EAJA fees to her attorney, in accordance with *Astrue v. Ratliff*, 560 U.S. 586, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first and, if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the Department of the Treasury reports to

the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel.

SO ORDERED.

Signed: March 14, 2018



Graham C. Mullen
United States District Judge

